



Wyoming Department of Education

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MEMORANDUM NO. 2010-216

TO: School District Superintendents
Special Education Directors

FROM: Peg Brown-Clark, Director
Special Programs Division

DATE: December 3, 2010

SUBJECT: Policy Requirements for Special Education

PLEASE READ – IMPORTANT REQUIREMENT

Governor Freudenthal signed the Chapter 7 Education Rules Governing Students with Disabilities in March of 2010. The WDE Special Programs Division then began the process of developing state policies and procedures in accordance with the Individuals with Disabilities Education Improvement Act (IDEA). States are required to ensure their state statutes, rules, policies and procedures are consistent with Part B regulations (34 C.F.R. Section 300) in order to be eligible to apply for funds from the US Department of Education, Office of Special Education Programs (OSEP). The WDE formally adopted these policies and procedures on July 1, 2010, after the required public comment period and necessary amendments and revisions.

Additionally, each school district, in providing for the education of children with disabilities within its jurisdiction, must have in effect district policies, procedures, and programs that are consistent with the aforementioned state policies and procedures. Each fiscal year, a school district is only eligible to receive federal funds under Part B of the IDEA when the district submits a plan that provides assurances to the State that it has these required policies and procedures in place (34 C.F.R. §§300.201 through 300.213).

To assist districts in meeting these requirements, the WDE Special Programs Division has begun working with Superintendents and Special Education Directors to facilitate a simplified improved process for districts' adoption of required policies.

Administrators from several districts are working in conjunction with the Wyoming School Boards Association Policy Service to ensure the development of legally sound district policies, which can then be presented to local school boards for approval and adoption. **Please note: districts must adopt compliant policies as a condition of approval for their FY 2012 Consolidated Grant applications.** Districts will

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evidence adoption of approved policies by providing WDE with the date of policy adoption (board action in the IDEA assurance section of the Consolidated Grant) and include either a hard copy of the policies or provide WDE access to them through the district's website.

Finally, a number of districts have developed procedure manuals outlining their processes for meeting IDEA requirements in providing services for children with disabilities. Neither federal statute nor regulations make the distinction between policies and procedures in the same way as school districts. IDEA does require, however, public participation in the process of developing the tools districts use to implement the IDEA (i.e., policies and procedures; see 34 C.F.R. §300.165). To demonstrate compliance, districts only need to have policies in place to satisfy the IDEA requirements. If the district chooses to develop a procedure manual, then the procedures must be in compliance with the state's policies and must have been developed with public participation. The development of such a manual, while likely to be helpful in the district's implementation of IDEA, is not a requirement.

If you have questions related to the content of this memorandum, please contact Peg Brown-Clark, Division Director of Special Programs: pclark@educ.state.wy.us or (307-857-9253).